

victed of any of the breaches assigned by verdict, confession or otherwise, the judgment of the court shall be rendered for the penalty and costs of suit, and the same may be recovered by any process of execution, and one-third of the penalty shall be applied to the use of the prosecutor, and the remainder to be applied as a fund for the county school, if any, if not, to the use of the county in which such conviction shall happen, and the name of the person prosecuting such recognizance shall be endorsed upon the original writ, and such person shall be answerable for the fees and costs; provided, that if any slave or slaves shall run away or abscond from the service of their master, mistress, owner or owners, contrary to the will of such master, mistress, owner or owners, such running away and absconding shall not be construed, deemed or taken, to be a departing and remaining at large within the meaning of this act.

See 1817, ch. 104.

SEC. 18. *And be it enacted*, That in all cases where certificates from a clerk of any court, or from any judge or magistrate, have heretofore been granted, or may hereafter be granted, to free negroes or mulattoes, if such negro or mulatto shall hereafter give or sell such certificate to any slave, by which means such slave may be enabled to abscond from the service of his master or owner, and personate the grantee of such certificate, it shall and may be lawful for the master or owner of such slave to have remedy against such free negro in any court of law in this state, and the court before whom such free negro may be tried, shall have full power and authority, upon conviction by the verdict of a jury, or upon confession or otherwise, to fine such free negro or mulatto a sum not exceeding three hundred dollars, in the discretion of the court, one-half to the use of the master or owner of such absconding slave, the other half to the county school, in case there be any, if no such school, to the use of the county; and in case the said fine shall not be paid, or secured to be paid, within thirty days, then and in such case, the said court may adjudge such free negro to be sold, at public vendue, for such a term as the said court may deem just and proper, not exceeding seven years, and the money arising from such sale shall be paid to the person or persons whose slave shall have absconded by means of such certificate.

Free negroes, &c. not to give or sell their certificates, &c.

SEC. 19. *And be it enacted*, That any person or persons, who shall hereafter be convicted of giving a pass to any slave, or person held to service, or shall be found to assist, by advice, donation or loan, or otherwise, the transporting of any slave, or any person held to service, from this state, or by any other unlawful means depriving a master or owner of the service of his slave, or person held to service, for every such offence the

Persons giving a pass, &c. subject to damages, &c.